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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,099	04/02/1999	RAIMO BAKIS	YO999-046(87	4528

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 03/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/286,099

Applicant(s)

BAKIS ET AL

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hab-Umbach et al (US Patent No. 5,995,930).

3. Regarding claims 1-22, Hab-Umbach et al teaches a method and apparatus for performing speech recognition which implements

Generating a series of reference signals which are one of a plurality of vocabulary words (which reads on applicants generating waveform for each N text sequences) at Abstract, col. 5, lines 20-30; col. 8, lines 21-32

Comparing test signals to the reference signals (which reads on applicants comparing synthetic waveform to the original waveform) at Abstract, col. 5, lines 20-30; col. 8, lines 21-32

Outputs the word or words having the best evaluation result based on the comparison at col. 8, lines 10-14 and lines 21-32

Dynamic programming (aligning) at col. 5, lines 31-33, Abstract, and Figure 2, element 26

Vocabulary arranged in a tree structure based on phonemes (Viterbi) at col. 3, line 57 – col. 4, line 36 and Figure 1A.

Generates and retrieves values from spectral components of speech signal (feature vectors) at col. 8, lines 21-32

Computing individual scores, summing the scores and setting a new minimum score at col. 5, line 30 to col. 6, line 55

Repeating the process for every vocabulary word in the list (setting a parameter to $n=1$, retrieving the n -Th waveform and text sequence, incrementing the parameter by one, repeating the steps until each sequence has been considered) at Abstract, col.6, lines 56-58.

Response to Arguments

4. Applicant's arguments filed December 31, 2001, have been fully considered but they are not persuasive.

5. In response to applicant's argument that Hab-Umbach et al does not disclose or suggest a protocol for re-scoring an N-best hypothesis generated by a speech recognition system that comprises generating a synthetic waveform for each of the N-best text sequences (using TTS), the examiner cannot concur because the limitations on which the applicant relies are not stated in the claims. It is claims that define the claimed invention, and it is claims, not specification, that are anticipated or unpatentable. *Constant v. Advanced Micro Devices Inc.*, 7 USPQ2d 1064.

6. In response to applicant's argument that the process of Hab-Umbach et al is different from applicant's process of generating synthetic waveforms for each of the N-best decoded sequences, the examiner cannot concur because the limitations on which the applicant relies (generating synthetic waveforms for each of the N-best decoded sequences) are not stated in the claims. It is claims that define the claimed invention, and it is claims, not specification, that are anticipated or unpatentable. *Constant v. Advanced Micro Devices Inc.*, 7 USPQ2d 1064.

7. In response to applicant's arguments, the recitation re-scoring an N-best hypothesis generated by a speech recognition system has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190

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USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA
March 5, 2002



Richmond Dorvil
Primary Examiner